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APPLICATION NO.	FILII	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,405 09/24/2001		/24/2001	Toru Katagiri	837.1971 5622	
21171	7590	11/03/2005		EXAMINER	
STAAS & SUITE 700	HALSEY I	LLP	LEUNG, CHRISTINA Y		
1201 NEW YORK AVENUE, N.W.				ART UNIT	PAPER NUMBER
WASHING	ron, dc 2	20005		2633	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		09/960,405	KATAGIRI ET AL.				
		Examiner	Art Unit				
		Christina Y. Leung	2633				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status	•						
·	Responsive to communication(s) filed on <u>05 Ju</u>						
· —	,						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
•	4)⊠ Claim(s) <u>1,4-21 and 25-29</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.							
· · · —	5) Claim(s) is/are allowed. 6)⊠ Claim(s) <u>1,4-21 and 25-29</u> is/are rejected.						
·	Claim(s) <u>4-9 and 29</u> is/are objected to.						
·	Claim(s) are subject to restriction and/or	election requirement.					
Annlicati	ion Papers						
	•		·				
9)☐ The specification is objected to by the Examiner. 10)☑ The drawing(s) filed on <u>05 July 2005</u> is/are: a)☑ accepted or b)☐ objected to by the Examiner.							
7.5/2	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachmen	t(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate Patent Application (PTO-152)				

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 24 noted in the previous Office Action is withdrawn in view of the newly discovered reference(s) to Onaka et al. (JP 11-289296 A) and Kersey et al. (US 6,594,410 B2). Rejections based on the newly cited reference(s) follow.

Election/Restrictions

2. Examiner respectfully acknowledges Applicants' election without traverse of claims 1-3 and 10-28 in their response filed on 26 October 2004 and notes that the previous Office Action (05 April 2005) was directed to claims 1-3 and 10-28, with claims 4-9 withdrawn from further consideration.

However, Examiner currently notes that the originally withdrawn claims 4-9, not considered in the previous Office Action, are directed to substantially similar limitations as recited in original claims 21-24 which were fully considered in the previous Office Action (i.e., claims 4-9 and 21-24 include similar details regarding the optical demultiplexer and multiplexer).

Since the claims examined and the claims withdrawn from consideration in the previous Office Action do not appear to be directed to two mutually exclusive species, and especially since claims 1-3 and 10-29 and claims 4-9 as currently amended do not appear to be directed to two mutually exclusive species, the restriction requirement made 28 September 2004 as to the encompassed species is hereby withdrawn. Claims 4-9 are no longer withdrawn from consideration.

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Examiner respectfully notes that because of Applicants' amendment of independent claim 1, filed 05 July 2005, previously withdrawn claims 4-9 are now subject to claim objections and/or 35 U.S.C. 112 rejection as discussed below.

In view of the above noted withdrawal of the restriction requirement, Applicants are advised that if any claims are presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Drawings

3. The drawings were received on 05 July 2005. These drawings are acceptable.

Claim Objections

- 4. Claims 4-9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. In the instant case, claims 4, 5, 7, and 8 recite limitations that are already recited in currently amended claim 1 (i.e., an optical demultiplexer with an input port and N output ports, and an optical multiplexer with N input ports and an output port). Claims 6 and 9 indirectly or directly depend on claim 4 and are also therefore objected to for the reason given for claim 4. Applicants are required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form.
- 5. Claim 29 is also objected to because of the following informalities:

Regarding claim 29, the first word of the claim, "an," should be capitalized. Also, "WEM" (sic) in line 2 should be changed to "WDM."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 6 recites that "said transmission band of each said optical demultiplexer and said optical multiplexer per wavelength channel has a central wavelength substantially coinciding with the central wavelength of each wavelength of said WDM signal light." However, claim 1, on which claim 6 indirectly depends, has been currently amended to specifically recite that the transmission bands do not coincide with the central wavelength of each wavelength channel of the WDM signal light. Therefore, claim 6 is indefinite because it appears to recite limitations that contradict limitations already recited in claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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9. Claims 1, 4-8, 10-21, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onaka et al. (JP 11-289296 A; see English-language equivalent document US 6,351,323 B1) in view of Suzuki (US 4,945,531 A) and Kersey et al. (US 6,594,410 B2).

Examiner notes that because JP 11-289296 A is in Japanese, all references below to its disclosure are made to its English-language equivalent document, US 6,351,323 B1.

Regarding claims 1 and 15, Onaka et al. disclose an optical node device (Figure 2) applicable to an optical network including a closed loop provided by an optical fiber, comprising:

a tunable wavelength selecting element (acousto-optic tunable filter AOTF 10) adapted to input WDM signal light obtained by wavelength division multiplexing a plurality of optical signals having different wavelengths, the tunable wavelength selecting element having a function of dropping at least one optical signal from the WDM signal light and a function of adding at least one optical signal to at least one unassigned wavelength channel of the WDM signal light (column 7, lines 51-67; column 8, lines 1-39).

Further regarding claim 15 in particular, Onaka et al. further disclose a system comprising:

a closed loop provided by an optical fiber, and

a plurality of optical node devices arranged along the closed loop (Figures 10 and 45; column 18, lines 1-17);

wherein at least one of the optical node devices includes a tunable wavelength selecting element as discussed above.

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Onaka et al. further disclose a wavelength selecting filter in the form of filters 13 as shown in Figure 2, but they do not specifically disclose a wavelength selecting filter comprising a demultiplexer and multiplexer connected together and including other details as specifically recited by claims 1 and 15.

However, Onaka et al. do disclose that the signals in their system may include undesirable amplified spontaneous emission (ASE) noise (column 8, lines 53-58). Suzuki teaches a system related to the one disclosed by Onaka et al. including a means for filtering ASE noise comprising a wavelength selecting filter (optical filter 100 shown in Figure 1), the filter comprising:

an optical demultiplexer 101 having an input port for inputting WDM signal light output and N output ports for respectively outputting the N optical signals separated from the WDM signal light; and

an optical multiplexer 102 having N input ports for respectively inputting N optical signals output from the demultiplexer, and an output port for outputting WDM signal light obtained by wavelength division multiplexing the N optical signals input to the N input ports (column 2, lines 47-56).

Regarding claims 1 and 15, it would have been obvious to a person of ordinary skill in the art to include a wavelength selecting filter as taught by Suzuki in the system disclosed by Onaka et al. in order to remove ASE noise from the WDM signal light in the system and thereby more effectively transmit desired signals in the system.

Further regarding claims 1 and 15, Suzuki does not specifically teach that the transmission band per wavelength channel of the optical demultiplexer is different from the

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transmission band per wavelength channel of the optical multiplexer or that either transmission band per wavelength channel has a central wavelength longer or shorter than the central wavelength of each wavelength channel of the WDM signal light.

However, Kersey et al. teach filtering an optical WDM signal through one filter and then another filter, wherein the transmission band (labeled "47" in Figure 11) of the first filter has a central wavelength λ_A substantially coinciding with a first wavelength shorter than the central wavelength λ_C of the desired wavelength channel of the WDM signal; and

the transmission band 48' of the second filter has a central wavelength λ_B substantially coinciding with a second wavelength longer than the central wavelength λ_C of the desired wavelength channel of the WDM signal (Figure 11; column 16, lines 7-34).

It would have been obvious to a person of ordinary skill in the art to provide a first central wavelength shorter than the central wavelength of the desired channel and a second central wavelength longer than the central wavelength of the desired channel as taught by Kersey et al. in the demultiplexer/multiplexer filter structure taught by Onaka et al. in view of Suzuki et al. in order to advantageously provide a narrower filter band and therefore filter the desired channels more precisely.

Regarding claims 4, 5, 7, and 8, as well as the claims may be understood with regard to the claim objections above, Onaka et al. in view of Suzuki et al. and Kersey et al. suggest a wavelength selecting filter as recited in claims 4, 5, 7, and 8, comprising an optical demultiplexer and optical multiplexer with transmission bands as already described above with regard to claim

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Regarding claim 6, as well as the claim may be understood with respect to 35 U.S.C. 112, discussed above, the transmission band of each of the optical demultiplexer and optical multiplexer per wavelength channel has a central wavelength substantially coinciding with the central wavelength of each wavelength channel of the WDM signal light in the wavelength selecting filter taught by Suzuki (without modifications taught by Kersey) as already discussed above with regard to claim 1

Regarding claim 10, Onaka et al. disclose that the tunable wavelength selecting element comprises an acousto-optic tunable filter (AOTF 10 as shown in Figure 2; column 7, lines 51-67).

Regarding claims 11 and 17, Onaka et al. disclose the tunable wavelength selecting element (AOTF 10 shown in Figure 2) has a first input port ("INPUT") for inputting the WDM signal light, a second input port ("ADD") for inputting an optical signal to be added to the WDM signal light, a first output port ("OUTPUT") for outputting an optical signal to be passed through the tunable wavelength selecting element, and a second output port ("DROP") for outputting an optical signal to be dropped from the WDM signal light.

Regarding claims 12 and 18, Onaka et al. further disclose that the node device (Figure 2) further comprises:

an optical coupler 12 having a plurality of input ports and an output port connected to the second input port of the tunable wavelength selecting element 10;

an optical modulator 16 connected to each of the plurality of input ports of the optical coupler; and

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a tunable light source (including laser diodes 19 in combination with tunable filters 14) connected to the optical modulator (column 8, lines 20-39).

Regarding claims 13 and 19, Onaka et al. further disclose that the node device (Figure 2) further comprises:

an optical coupler 11 having an input port connected to the second output port of the tunable wavelength selecting element 10, and a plurality of output ports;

a tunable filter 13 connected to each of the plurality of output ports of the optical coupler; and

an optical receiver 17 connected to the tunable filter (column 7, lines 64-67; column 8, lines 1-9).

Regarding claims 14 and 16, Onaka et al. further disclose an optical amplifier (such as amplifiers 30 or 34 on the transmission line as generally shown in Figure 3, or other optical amplifiers shown in other figures including Figure 10, etc.; column 8, lines 66-67; column 9, lines 1-41).

Regarding claims 20 and 27, Onaka et al. disclose an optical node device applicable to an optical network including a closed loop provided by an optical fiber (Figure 1), comprising:

an optical demultiplexer (labeled "DMUX" in Figure 1) having an input port for inputting WDM signal light obtained by wavelength division multiplexing N (N is an integer satisfying 1 < N) optical signal having different wavelength and N output ports for respectively outputting the N optical signals separated from the WDM signal light;

N 2 x 2 optical switches (as shown in Figure 1) each having first and second input ports and first and second output ports, the N optical signals output from the optical demultiplexer

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being supplied to the first input ports of the N 2 x 2 switches, respectively, each of the N 2 x 2 optical switches switching between a bar state where the first and second input ports are connected to the first and second output ports, respectively, and a cross state where the first and second input ports are connected to the second and first output ports, respectively; and

an optical multiplexer ("MUX") having N input ports for respectively inputting N optical signal output from the first output ports of the N 2 x 2 optical switches, and an output port outputting WDM signal light obtained by wavelength division multiplexing the N optical signals input to the N input ports (column 2, lines 1-24).

Further regarding claim 27 in particular, Onaka et al. further disclose a system comprising:

a closed loop provided by an optical fiber; and

a plurality of optical node devices arranged along the closed loop (Figures 10 and 45; column 18, lines 1-17);

wherein at least one of the optical node devices includes means for add drop multiplexing such as described with respect to claim 20.

Regarding claims 20 and 27, Onaka et al. further disclose that the signals in their system may include undesirable amplified spontaneous emission (ASE) noise (column 8, lines 53-58). Suzuki teaches a system related to the one disclosed by Onaka et al. including a means for filtering ASE noise comprising a wavelength selecting filter (optical filter 100 shown in Figure 1), the filter comprising:

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an optical demultiplexer 101 having an input port for inputting WDM signal light output and N output ports for respectively outputting the N optical signals separated from the WDM signal light; and

an optical multiplexer 102 having N input ports for respectively inputting N optical signals output from the demultiplexer, and an output port for outputting WDM signal light obtained by wavelength division multiplexing the N optical signals input to the N input ports (column 2, lines 47-56).

Regarding claims 20 and 27, it would have been obvious to a person of ordinary skill in the art to specifically utilize the filtering functions of the demultiplexer and multiplexer in the system disclosed by Onaka et al. in the way as taught by Suzuki in order to remove ASE noise from the WDM signal light in the system and thereby more effectively transmit desired signals in the system.

Further regarding claims 20 and 27, Suzuki does not specifically teach that the transmission band per wavelength channel of the optical demultiplexer is different from the transmission band per wavelength channel of the optical multiplexer or that either transmission band per wavelength channel has a central wavelength longer or shorter than the central wavelength of each wavelength channel of the WDM signal light.

However, Kersey et al. teach filtering an optical WDM signal through one filter and then another filter, wherein the transmission band (labeled "47" in Figure 11) of the first filter has a central wavelength λ_A substantially coinciding with a first wavelength shorter than the central wavelength λ_C of the desired wavelength channel of the WDM signal; and

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the transmission band 48' of the second filter has a central wavelength λ_B substantially coinciding with a second wavelength longer than the central wavelength λ_C of the desired wavelength channel of the WDM signal (Figure 11; column 16, lines 7-34).

It would have been obvious to a person of ordinary skill in the art to provide a first central wavelength shorter than the central wavelength of the desired channel and a second central wavelength longer than the central wavelength of the desired channel as taught by Kersey et al. in the demultiplexer/multiplexer filter structure taught by Onaka et al. in view of Suzuki et al. in order to advantageously provide a narrower filter band and therefore filter the desired channels more precisely.

Regarding claim 21, Onaka et al. disclose that the WDM signal light has a plurality of wavelength channels arranged at substantially equal intervals in the wavelength domain;

the input port and the i-th (i is an integer satisfying $1 \le i \le N$ output port of the optical demultiplexer are coupled by a transmission band including the wavelength of the any one of the wavelength channels;

the j-th (j is an integer satisfying $1 \le j \le N$) input port and the output port of the optical multiplexer are coupled by a transmission band including the wavelength of any one of the wavelength channels (column 2, lines 1-38)

Regarding claim 25, Onaka et al. further disclose a plurality of optical transmitters (each labeled "OS" in Figure 1) for outputting optical signals to be added to any unassigned channels of the WDM signal light supplied to the optical demultiplexer; and

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an optical switch (the larger element labeled "OPTICAL SWITCH" in Figure 1) for switching the connections between the plurality of optical transmitters and the second input ports of the N 2 x 2 optical switches.

Regarding claim 28, Onaka et al. further disclose an optical amplifier (such as amplifiers 30 or 34 on the transmission line as generally shown in Figure 3, or other optical amplifiers shown in other figures including Figure 10, etc.; column 8, lines 66-67; column 9, lines 1-41).

10. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onaka et al. in view of Suzuki and Kersey et al. as applied to claims 4 and 20 respectively above, and further in view of Otsuka et al. (JP 11-218790 A).

Examiner notes that because JP 11-218790 A is in Japanese, all references below to its disclosure are made to its English-language equivalent document, US 6,538,782 B1 (this US patent was cited in the previous Office Action; in this Office Action, Examiner relies on the Japanese publication).

Regarding claim 9, as the claim may be understood with regard to the claim objection above, Onaka et al. in view of Suzuki and Kersey et al. describe a system as discussed above with regard to claims 1 and 4 including an optical demultiplexer and multiplexer, but they do not specifically suggest that the demultiplex and multiplexer are arrayed waveguide gratings.

However, it is well known in the art that wavelength demultiplexers and multiplexers such as in the system described by Onaka et al. in view of Suzuki and Kersey et al. may be implemented in several ways, and Otsuka et al. specifically teach implementing demultiplexers and multiplexers as arrayed waveguide gratings (column 1, lines 59-67; column 2, lines 1-15).

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Regarding claim 9, it would have been obvious to a person of ordinary skill in the art to use arrayed waveguide gratings as taught by Otsuka et al. in the system described by Onaka et al. in view of Suzuki and Kersey et al. as an engineering design choice of a known way to implement the demultiplexer and multiplexer already disclosed. The claimed differences exist not as a result of an attempt by Applicants to solve an unknown problem but merely amount to the selection of expedients known as design choices to one of ordinary skill in the art.

Regarding claim 26, Onaka et al. in view of Suzuki and Kersey et al. describe a system as discussed above with regard to claim 20. Onaka et al. further disclose a plurality of optical receivers (each labeled "OR" in Figure 1) for receiving optical signals dropped from the WDM signal supplies to the optical demultiplexer. Onaka et al. disclose an optical wavelength multiplexer/demultiplexer element connecting the receivers to the second output ports of the N 2 x 2 optical switches as shown in Figure 1 and does not specifically disclose an optical switch for this purpose. However, Otsuka et al. teach a system related to the one described by Onaka et al. in view of Suzuki and Kersey et al. including means for adding and dropping signals with a demultiplexer, N 2 x 2 switches, and a multiplexer (Figure 8). Otsuka et al. further teach an optical switch for switching the connections between a plurality of optical receivers and the output ports of the N 2 x 2 optical switches as shown in Figure 8.

Regarding claim 26, it would have been obvious to a person of ordinary skill in the art to use an optical switch as taught by Otsuka et al. to connect the 2 x 2 optical switches and optical receivers in the in the system described by Onaka et al. in view of Suzuki and Kersey et al. as an engineering design choice of a way to effectively provide the dropped wavelength channels to corresponding receivers. Again, the claimed differences exist not as a result of an attempt by

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Applicants to solve an unknown problem but merely amount to the selection of expedients known as design choices to one of ordinary skill in the art.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Kersey et al.

Regarding claim 29, as similarly discussed above with regard to claim 1, Suzuki discloses an optical node device (optical filter 100 shown in Figure 1), comprising:

an optical demultiplexer 101 having an input port for inputting WDM signal light output and N output ports for respectively outputting the N optical signals separated from the WDM signal light; and

an optical multiplexer 102 having N input ports for respectively inputting N optical signals output from the demultiplexer, and an output port for outputting WDM signal light obtained by wavelength division multiplexing the N optical signals input to the N input ports (column 2, lines 47-56).

Suzuki further discloses that the overall filter characteristic of filter 100 (i.e., demultiplexer 101 in combination with multiplexer 102) is one that outputs each wavelength channel of the WDM signal as shown in Figure 2B (column 3, lines 15-33). Suzuki does not specifically disclose that the transmission band per wavelength channel of the optical demultiplexer is different from the transmission band per wavelength channel of the optical multiplexer or that either transmission band per wavelength channel has a central wavelength longer or shorter than the central wavelength of each wavelength channel of the WDM signal light.

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However, Kersey et al. teach a system related to the one disclosed by Suzuki including filtering a desired channel from a WDM signal light (Figure 11). Kersey et al. further teach filtering an optical WDM signal through one filter and then another filter, wherein the transmission band (labeled "47" in Figure 11) of the first filter has a central wavelength λ_A substantially coinciding with a first wavelength shorter than the central wavelength λ_C of the desired wavelength channel of the WDM signal; and

the transmission band 48' of the second filter has a central wavelength λ_B substantially coinciding with a second wavelength longer than the central wavelength λ_C of the desired wavelength channel of the WDM signal (Figure 11; column 16, lines 7-34).

It would have been obvious to a person of ordinary skill in the art to provide a first central wavelength shorter than the central wavelength of the desired channel and a second central wavelength longer than the central wavelength of the desired channel as taught by Kersey et al. in the demultiplexer/multiplexer filter structure disclosed by Suzuki et al. in order to advantageously provide a narrower filter band and therefore filter the desired channels more precisely.

Response to Arguments

12. Again, Examiner respectfully notes that the indicated allowability of claim 24 noted in the previous Office Action is withdrawn in view of the newly discovered reference(s) to Onaka et al. (JP 11-289296 A) and Kersey et al. (US 6,594,410 B2).

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Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023. The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christina Y Leung Christina Y Leung Patent Examiner Art Unit 2633

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